IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 24297 of 2004

Between:

Smt.Latha W/o.Chatla Bhaskara Rao @Baji, Srikakulam Dist.

..... PETITIONER

AND

1 The Collector&District Magistrate, Visakhapatnam District.
2 The Government of Andhra Pradesh, rep by its Chief Secretary to

Government, Secretariat Buildings, A.P.Secretariat, Hyderabad.
3 The Superintendent, Central Jail, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Hebeas corpus directing the Respondents to produce the Detenu Sri Chatla Bhaskara Rao @Baji.S/o.Mohan Rao, aged about 24 years, now detained in central prison, Visakhaptnam before this Honourable court and he may be directed to set at liberty forthwith by declaring the order of detention passed by the 1st Respondent in RC.No.945/2004/B4, dt 21-8-2004 as illegal and unconstitutional and pass such other order or orders.

Counsel for the Petitioner : MR.T.NIRANJAN REDDY

Counsel for the Respondent No.: THE ADVOCATE GENERAL

The Court made the following :

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties and perused the record.

The detention order passed by the detaining authority on 21.08.2004 in terms of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (hereinafter referred to as 'the Act'), has been challenged in this Writ Petition. Though various grounds have been taken by the Writ Petitioner to challenge the detention of the detenu, one of the grounds stated in para (d) is that though the detenu was served with grounds of detention in English as well as in Telugu, the detenu does not know the English language and the versions in both varied. In the grounds of detention served in English language, he was informed that he has a right to make a representation to the detaining authority against the order of detention, but this was not communicated in the Telugu version of the grounds of detention and the detenu only knows Telugu language. In the counter affidavit it has not been denied. Only it has been stated,

since the detenu had been informed in the English version, therefore his rights did not get prejudiced.

We do not agree with this view in the light of the fact that the petitioner has specifically pleaded that the detenu did not know the English language and in any case, we do not understand if a stipulation was there in the English version of the grounds of detention, why was it not in the Telugu version. It creates a doubt as to whether it was done deliberately in order to see that the detenu does not make a representation to the detaining authority.

For these reasons, we allow this Writ Petition and quash the order of detention. The detenu shall be released forthwith, if not needed in any other case. No order as to costs.

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BILAL NAZKI, J

20th January, 2005.

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Dr. G. YETHIRAJULU, J

ajr

To

1 The Collector&District Magistrate, Visakhapatnam District.
2 The Chief Secretary, Government of Andhra Pradesh, Secretariat Buildings,

A.P.Secretariat, Hyderabad.
3 The Superintendent, Central Jail, Visakhapatnam.

4 Two C.Cs. to the Advocate General, High Court of A.P., Hyderabad

(O.U.T).

5 Two C.D. copies.